

**REMARKS**

**Claim Rejections – 35 USC 102**

5        Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Lin (Publication No. U.S. 2004/0041571 A1).

**Response:**

10        Although the Examiner has cited the reference Lin (U.S. Publication No. 2004/0041571 A1) for rejecting claim 38, Lin and the instant application were commonly owned by MediaTek Inc. at the time the invention of the instant application were made. Both of the Lin reference and the instant application are developed and researched under assignment and control of MediaTek. In addition, as the Lin reference and the instant application are both considered as confidential in MediaTek, only the research and  
15        development team has access to MediaTek's own work. Therefore, as a member of the research and development team, the applicant has the knowledge of Lin reference while researching and developing the claimed invention of the instant application. In accordance with MPEP 716.10, the applicant believes that the cited Lin reference, describing MediaTek's own fundamental work known and referenced by the applicant  
20        while the instant application was made, is not a valid reference available as prior art under 35 U.S.C. 102(e).

25        In short, since the cited reference is not made by "another" according to 35 U.S.C. 102(e), the cited reference is disqualified from being used in a 102(e) rejection of the claims of the instant application. A separate signed declaration under 37 C.F.R. 1.132 is attached to this reply to formally indicate this fact. In light of above statements, reconsideration of claim 38 is respectfully requested.

Appl. No. 10/711,789  
Amdt. dated April 23, 2007  
Reply to Office action of January 23, 2007

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,

5 Winston Hsu Date: 04/23/2007

Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

10 e-mail : winstonhsu@naipo.com

Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)